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United States of America

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERTO TOSTADO-CADENAS,

Defendant.

CASE NO. 2:22-CR-00151-WBS

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: March 11, 2024
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on March 11, 2024.
2. By this stipulation, defendant now moves to set the matter for a change of plea hearing on **April 22, 2024, at 9:00 am**, and to exclude time between March 11, 2024, and April 22, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) Counsel for defendant desires additional time meet with the defendant to discuss the proposed plea agreement and conduct further investigation so that the defendant can make a determination if he would like to resolve the case or proceed to trial.
 - b) Counsel for defendant believes that failure to grant the above-requested

continuanace would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

c) The government does not object to the continuance.

d) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of March 11, 2024 to April 22, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 6, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ JUSTIN L. LEE
JUSTIN L. LEE
Assistant United States Attorney


Dated: March 6, 2024

/s/ CLEMENTE JIMENEZ
CLEMENTE JIMENEZ
Counsel for Defendant
ROBERTO TOSTADO-CADENAS

ORDER

IT IS SO FOUND AND ORDERED.

Dated: March 7, 2024



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE